



General Assembly

Substitute Bill No. 1027

January Session, 2005

* ____SB01027GAE__042505__ *

***AN ACT AUTHORIZING THE DEPARTMENTS OF MENTAL HEALTH
AND ADDICTION SERVICES AND CHILDREN AND FAMILIES TO
SHARE CERTAIN INFORMATION AND RECORDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) If a serious injury or
2 unexpected death of a person being served by the Department of
3 Mental Health and Addiction Services and the Department of Children
4 and Families occurs, each agency may share, in accordance with
5 applicable federal privacy laws, information and records in its custody
6 relating to the care and treatment of said person with the other agency
7 without the consent of said person, provided the information shared is
8 necessary for the purpose of allowing each agency to assist the other in
9 the performance of activities preventing or treating child abuse or
10 neglect relating to the serious injury or unexpected death.

11 (b) The finding of any investigation of a serious injury or
12 unexpected death conducted by the Department of Mental Health and
13 Addiction Services and the Department of Children and Families shall
14 not be subject to disclosure pursuant to section 1-210 of the general
15 statutes, nor shall such findings be subject to discovery or introduction
16 into evidence in any civil action arising out of such serious injury or
17 death. Nothing in this section shall be construed as restricting
18 disclosure of confidential communications or records upon which such
19 finding is based where such disclosure is otherwise required by law.

20 No person who participated in an investigation conducted pursuant to
21 this section shall be permitted or required to testify in any civil action
22 as to the content of such action; except that the provisions of this
23 section shall not preclude (1) in any civil action (A) the use of any
24 writing that was created independently of such action; (B) the
25 testimony of any person concerning the facts that formed the basis for
26 the institution of such action; or (C) disclosure of the fact that staff
27 privileges were terminated or restricted, including the specific
28 restriction imposed, if any, or (2) in any health care provider
29 proceedings concerning the termination or restriction of staff
30 privileges, the use of data discussed or developed during an
31 investigation.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	New section
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PH *Joint Favorable Subst. C/R* HS

HS *Joint Favorable*

GAE *Joint Favorable*